

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.5505 OF 2007

Between:

M.Yadagiri Reddy and five others

-----Petitioners

and

Dr.V.Rajeswar Rao and another

.....Respondents.

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ORDER: (BPR J.,)
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This writ petition is filed seeking to withdraw the suit in O.S.No.218 of 2000 on the file of the I Additional District Judge, Ranga Reddy District and transfer the same to the First Additional Special Court under Land Grabbing (Prohibition) Act, Hyderabad, to be tried along with L.G.C.No.2 of 1994.

The main ground urged by the petitioners is that in O.S.No.218 of 2000 and L.G.C.No.2 of 1994 filed by the first respondent and Osmania University respectively, claiming ownership of the land situated at Habshiguda Village, the petitioner was shown as a land grabber. Since the identity of the disputed land and the subject matter of the dispute in L.G.C.No.2 of 1994 and O.S.No.218 of 2000 are one and the same and the boundaries are also one and the same, the petitioners herein filed T.O.P.No.5 of 2004 on the file of the II Additional Special Court under A.P.Land Grabbing (Prohibition) Act, Hyderabad, seeking transfer of the suit to be tried along with L.G.C.No.2 of 1994 and the said transfer petition was allowed. Aggrieved of the same, the first respondent filed W.P.No.18894 of

2005 before this Court and the same was allowed on the ground that the Special Court under the Land Grabbing (Prohibition) Act has no power to transfer the cases instituted after coming into force of the said Act and this Court also granted liberty to the petitioners to approach the appropriate forum seeking transfer.

The learned counsel for the petitioners submits that along with L.G.C.No.2 of 1994, another case in L.G.C.No.36 of 1986 is going to be disposed of and if the suit is transferred to the Special Court, all the three matters can be tried together.

On hearing the learned counsel for the petitioner and perusing the material placed before this Court, we think it just and reasonable to transfer the suit O.S.No.218 of 2000 from the file of the I Additional District Judge, Ranga Reddy, to the court of the I Additional Special Court under Land Grabbing (Prohibition) Act, Hyderabad, to be tried along with L.G.C.Nos.2 of 1994 and 36 of 1986.

Hence, the suit in O.S.NO.218 of 2000 be withdrawn from the file of the I Additional District Judge, Ranga Reddy, to be tried along with L.G.C.No.2 of 1994. The I Additional Special Court under Land Grabbing (Prohibition) Act is directed to dispose of the matters after giving notice and opportunity of hearing to both the parties.

The writ petition is accordingly allowed. No order as to costs.

B.PRAKASH RAO J.,

M.VENKATESWARA REDDY J.,

Dt.30.04.2007

tjs